

Superseded 5/12/2015

35A-3-302 Eligibility requirements.

- (1) The program of cash assistance provided under this part is known as the Family Employment Program.
- (2)
 - (a) The division shall submit a state plan to the Secretary of the United States Department of Health and Human Services to obtain federal funding under the Temporary Assistance for Needy Families Block Grant.
 - (b) The division shall make the plan consistent with this part and federal law.
 - (c) If a discrepancy arises between a provision of the state plan and this part, this part supersedes the provision in the state plan.
- (3) The services and supports under this part are for both one-parent and two-parent families.
- (4) To be eligible for cash assistance under this part, a family shall:
 - (a) have at least one minor dependent child; or
 - (b) have a parent who is in the third trimester of a pregnancy.
- (5) The department shall make rules for eligibility and the amount of cash assistance a family is eligible to receive under this part based on:
 - (a) family size;
 - (b) family income;
 - (c) income disregards;
 - (d) other relevant factors; and
 - (e) if the applicant has met the eligibility requirements under Subsections (5)(a) through (d), the assessment and other requirements described in Sections 35A-3-304 and 35A-3-304.5.
- (6) The division shall disregard money on deposit in an Individual Development Account established under Section 35A-3-312 in determining eligibility.
- (7) The department shall provide for an appeal of a determination of eligibility in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (8)
 - (a) The department shall make a report to either the Legislature's Executive Appropriations Committee or the Social Services Appropriations Subcommittee on any proposed rule change made under Subsection (5) that would modify the eligibility requirements or the amount of cash assistance a family would be eligible to receive.
 - (b) The department shall submit the report prior to implementing the proposed rule change and the report shall include:
 - (i) a description of the department's current practice or policy that it is proposing to change;
 - (ii) an explanation of why the department is proposing the change;
 - (iii) the effect of an increase or decrease in cash benefits on families; and
 - (iv) the fiscal impact of the proposed change.
 - (c) The department may use the Notice of Proposed Rule Amendment form filed with the Division of Administrative Rules as its report if the notice contains the information required under Subsection (8)(b).
- (9) The department shall make rules to ensure that:
 - (a) a recipient of assistance from the Family Employment Program:
 - (i) has adequate access to the assistance;
 - (ii) has the ability to use and withdraw assistance with minimal fees or surcharges, including the opportunity to obtain assistance with no fees or surcharges;
 - (iii) is provided information regarding fees and surcharges that may apply to assistance accessed through an electronic fund transaction; and

- (iv) is provided information explaining the restrictions on accessing assistance described in Subsection (10); and
- (b) information regarding fees and surcharges that may apply when accessing assistance from the Family Employment Program through an electronic fund transaction is available to the public.
- (10) An individual receiving assistance under this section may not access the assistance through an electronic benefit transfer, including through an automated teller machine or point-of-sale device, in an establishment in the state that:
 - (a) exclusively or primarily sells intoxicating liquor;
 - (b) allows gambling or gaming; or
 - (c) provides adult-oriented entertainment where performers disrobe or perform unclothed.
- (11) An establishment in the state may not allow an individual to access the assistance described in this section on the establishment's premises through an electronic benefit transfer, including through an automated teller machine or point-of-sale device, if the establishment:
 - (a) exclusively or primarily sells intoxicating liquor;
 - (b) allows gambling or gaming; or
 - (c) provides adult-oriented entertainment where performers disrobe or perform unclothed.
- (12) In accordance with federal requirements, the department shall make rules to prevent individuals from accessing assistance in a manner prohibited by Subsections (10) and (11), which rules may include enforcement provisions that impose sanctions that temporarily or permanently disqualify an individual from receiving assistance.
- (13) When exercising rulemaking authority under this part, the department shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.